

37
A. 1731. 1732
VIEW
OF THE
Depredations and Ravages
Committed by the
SPANIARDS
ON THE
BRITISH TRADE
AND
NAVIGATION.

Most humbly offer'd to the Consideration
of the PARLIAMENT of GREAT
BRITAIN.

Whence this unwonted Patience? this weak Doubt?
This tame Beseeching of *repell'd* Peace? —
Whence is it that the proud Iberian thus
Dares rouse to Wrath the Masters of the Main?
Who told him that the big incumbent War
Would not, for this, have roll'd his trembling Ports
In smoaky Ruin? —

THOMSON.

L O N D O N.

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V I E W

OF THE

Depositions and Narratives

OF THE

BRITISH TRADING

NAVIGATION



By JAMES HARRISON, Esq. of the Middle Temple, Barrister at Law.

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LONDON: 1791.



TO THE
READER.



HE calamitous Situation of the Trade and Navigation of Great Britain, with respect to the constant Spoil and Havock it has sustained of late Years from the Subjects of the King of Spain, is a Matter of so great Importance, and such general Concernment, as is worthy to awaken the Attention, and rouse the Spirit of a Nation, equally renowned for its good Sense and Bravery, as for those inestimable Advantages with which Nature has so liberally furnish'd it, to all the Purposes of secure Dominion, and universal Commerce.

ii To the READER.

THAT Trade and Navigation is not only the chief Support, but also the sole Basis of the Prosperity and Glory of Britain, is so evident, that (like a Sort of first Principle) it seems natural to an English Mind; it passes unquestion'd and unimpugned thro' all Orders and Degrees of Men, in an Age addicted to the supremest Scepticism; and no such Monster is to be found, who will not readily allow it to be the Apple of the Eye, and even the very vital Soul of the Kingdom.

IT cannot therefore be Matter of Wonder, to any Nation, that has ever heard of the English Name (and to what Nation under Heaven has not the Fame of England extended?) that the Subjects of the British Empire should be jealous of their commercial Rights, tenacious of their Privileges, quick and sensible to every Outrage and Infractions, and ready all like one Man to assert their Country's peculiar Prerogative to rule the Sea, and waft their Trade over the Face of the whole Earth.

*WE might rather admire that such a People, should have suffer'd numberless Depredations, Tortures, and Deaths, the most hideous Cruelties, and barbarous Enormities,
for*

TO the READER. iii

for a Course of sixteen Years, before they brought their Complaints to the representative Body of so potent a Kingdom.

THE following Pamphlet was first drawn up in the Beginning of the Year 1727, and contains a Deduction of authentic Facts, which the Author, with an honest Simplicity and laudable Zeal for the Service of his King and Country, has faithfully reported, without Art or Guile, meerly as he was warranted by the original Documents in his Custody. Pain'd at the Heart to behold the grievous Hardships of his Countrymen; and warm'd with Indignation to see his Sovereign treated with all the Rudeness of Contradiction on the Part of the Spaniards, he publish'd this Record of the Sufferings of the Former, and this Monument of the Insolence, Falshood, Injustice, and Cruelty of the latter. A Record, and a Monument, deserving the Perusal and Attention of every Briton; and which will stir the Blood, and move the Heart of every one that has any Duty and Affection for his King and his Country.

THE Remedy he proposes for these deplorable Enormities is the granting Letters of REPRISAL upon those Hostile Ravagers. And it ought to be here observ'd that in a few

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few Days after the Publication of this Tract his late Majesty in Council order'd the issuing such general Letters of Reprisal; which Order was publish'd in the Gazette of the 28th of March 1727. But, for some intervening Reasons, those Letters, so order'd, were never issued; and therefore the Merchants of London, and other trading Ports, having apply'd for them in vain, were oblig'd, at length, to petition the Parliament of Great Britain; upon which Occasion, every Fact in these Sheets, as well as a Cloud of others, were justify'd before that august Assembly, with all the Evidence of Demonstration, to the Satisfaction of all the World, and the Confusion of all Gainers.

THE Resolutions of the Hon. House of Commons with Respect to the Depredations on the British Subjects both in America and Europe committed by the Spaniards in manifest Violation of Treaties, together with the Addresses of that Hon. House to his Majesty thereupon, as likewise his Majesty's most gracious Answers to the same, are all too well known to be here repeated.

NEVERTHELESS, tho' Spain's Infractions of Treaties, her publick Mockery of all Faith and Justice, her repeated Piracies,

TO the READER. V

racies, her multiply'd Barbarities, her cool deliberate Murders, and her harden'd Effrontery in giving the Lye to her Accusers, have all been so abundantly evinced; tho' the British Senate has adduced the irrefragable Proofs of her Treachery and Inhumanity, to the Surprise and Conviction of the whole World; tho' that august Body, struck with the sad Calamities of their Fellow-Subjects, carried their just Complaints to the Feet of the King; tho' his Majesty, the true and tender Father of his People, could not see without feeling the Miseries of his faithful Subjects; tho' he resolved to exert his God-like Power to relieve the injured, and to repress the Insolence of the Haughty; nay, tho' in his great Wisdom and Goodness, he has long restrained his Vengeance, and mildly sought the universal Blessings of Union and Concord, by making lately an absolute Peace with the Spanish Monarch, yet still are the Subjects of Britain rob'd and spoil'd to this very Day; and the Masters of the Ocean plunder'd upon the open Seas.

AS these marvellous Circumstances of the British Trade and Navigation is the Cause and Subject of a new Application from the injured Merchants to the Representative Body of this yet great and powerful

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ful Nation; we have thought it a proper Season to put the following Papers once more into the Hands of our Country-men; believing that our Authors Reasoning, upon indubitable Facts, will appear to be abundantly confirmed by Experience, and that the Method he proposes is rightly adapted to curb effectually the obstinate Wickedness of these publick Robbers. Far be it from us to have the Boldness to assert, that this End can be obtain'd by no other possible Means; this were as foolish as 'tis rash; no, we leave that Determination, as it becomes us, to the Wisdom of our Governors; and content ourselves with a naked and artless Recital of incontestible Facts, which all declare, stronger than any Force of Eloquence, the disastrous State of the British Commerce, the unutterable Hardships of our Fellow-Subjects, and the abused Patience of our most gracious Sovereign.

EITHER our Author's Scheme, or some other, of equal Efficacy, must be speedily pursued; for it seems absolutely in vain to expect Redress in the Way of Peace, and Negotiation. Have we not try'd that, till Patience itself might be wearied? Alas! what Hopes can we have in the Conduct of our Commissaries at the Court of Spain, whose Chicanerie we have so long experienced?

Col.

TO the READER. vii

Col. Stanhope in the Year 1718 declared to the Hon. House of Commons, that he had presented at least 25 Memorials to that Court, in Relation to the Complaints of our Merchants, without Success.

*MAY Shame alight upon the venal Heads of those mercenary Scriblers, who make it their Business to lessen the Damages of their Fellow-Subjects; whose Hearts seem to be form'd of the same hard Metal with their Brow; who can extenuate the blackest Villanies in the Enemies of their Country, while they are unaffected with the grievous Losses, and various Calamities of their Brethren, to such a Degree of Insensibility, as to throw out inhuman Sarcasms upon the Sufferers, bidding them remember how terribly they had provoked their Enemies some Years ago; and telling them, they therefore OUGHT to bear SOMETHING. * Monstrous! and Incredible! Is this the Pen of an English Man?——But it is enough; Great Britain has now borne enough; the Measure of her Sufferings is full; and we trust, the Time of avenging her is now come. 'Tis the Hope of every good Man that some adequate Expedient will be now found by the united Wisdom of the Nation, to support our sinking Colonies, and put a Stop*

* Vide. The London Journal of the 23d of January last.

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to these intollerable Outrages of the Spaniards.

IS it possible for a Briton to read the daily Instances of their unabated Insolence both by Sea and Land, before Gibraltar, and on the Face of the Ocean, without proper Emotion of Spirit? Shall we be mocked, abused, and trifled with any longer? Have we not answer'd every Allegation of theirs, respecting a contraband Trade, to the Satisfaction of every indifferent Judge? And has not even our Right to the Trade of the Bay of Campeachy, upon the Foot of Treaties, been clear'd and asserted beyond all Dispute by the honourable Board of Trade in a publick Representation presented to his late Majesty? Away then with these shameless Pretexts and idle Excuses. Let us bear no more of them. Let us make up, our selves, that Reckoning, which the Spaniards laugh at our expecting from them. Let us call them to Account for three or four hundred Ships (for that Number will be proved against them) which they have taken and plundered; for all the innocent Blood they have spilt; for all the innumerable Barbarities they have exercised; and for all the Expence of Life and Treasure Britain has been put to, both at Gibraltar, and in the costly Expedition of Admiral Hosier.
Let

To the READER. ix

Let that Host of our gallant Countrymen who, together with their stouter Ships, became the Prey of Water-Worms in an horrible Climate, be, at length, attoned. To all this we are excited by every Civil Motive that can lay hold on the Heart of Man. If we have any Duty and Respect for the Person and Majesty of the King; any Remains of Love for our Country; any Regard for the antient Glory of the Nation; any real Desire for the Prosperity of the Kingdom; the Spoilers shall be spoiled, and the Ravagers of Britain shall feel the Force of that righteous Power which God and Nature have conferr'd upon her, to awe the Nations, to assert her own Rights, to defend the Oppressed, and to abase the Proud.



A

V I E W

O F T H E

Depredations and Ravages

Committed by the

SPANIARDS, &c.



Do not question but it has been the generally receiv'd Belief, till very lately, since we have begun to be alarm'd here in *Europe*, with new Disputes and Contentions between some of the greatest Powers thereof, that ever since the Treaty of *Utrecht* in 1712, all the Parties included in it have enjoy'd the Benefits of an uninterrupted Repose after

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a bloody and expensive War; bating only some few Interruptions on Account of Claims of the Emperor and the King of *Spain* not then settled, which so far as the same could affect *Great Britain*, were adjusted by the Treaty of *London* in 1718. But how great a Calm soever we may have enjoy'd here at Home, the *British* Subjects in the *West-Indies* have shar'd but very little of it, with respect to their Commerce and Navigation: And perhaps it will appear in the Sequel of this Paper, that they are greater Sufferers, or more properly greater Losers, by a Peace, which, without having the Benefit of *Reprisals* allow'd them, has ty'd up their Hands from defending their Property against the Invasions of the Subjects of *Spain*, by their *Guarda-Costas*, under Pretence of their Right to guard against clandestine Trade, than they were by the War, which put them on a Level with their Enemies.

To say nothing here of other *British* Plantations in the *West-Indies*, and even on the Continent of *America*, such as *New-England*, and other Parts who have suffer'd Captures at Sea by the *Spaniards*: It is most certain that the Island of *Jamaica* in particular has been almost ruin'd
by

by their Infractions of the Treaty of *Utrecht*; who, without any Regard thereto, or to former Treaties of Commerce reviv'd thereby, particularly that in 1670, have acted all along the same Hostilities and Depredations that can be vindicable only by the Laws of Nations in a Time of open War: Nay, and have in many Cases proceeded to Violences and Barbarities, not to be parallel'd but by Pirates.

It may possibly appear to be a Paradox to many who are unacquainted with the Occurrences in that distant World, that the Subjects of his *Catholick* Majesty have for the Space of fourteen Years last past, been in a Manner at open War with the Subjects of a Prince in Amity with their Master, especially while the Language at *Madrid* has been, *Peace with England, and War with all the World besides*. But there have appear'd such uncontestable Authorities of late, to convince us that it is so, now since the contending Parties in *Europe* have publish'd their several Pretensions, Claims and Complaints to the World, that without the Necessity of a particular Specification of Facts, which nevertheless I intend to give, it might be hop'd there is no Man, how prejudic'd or incredulous

B 2

soever,

soever, who will impose so far upon his own Judgment, as to suspect a Truth, which has been so much the Subject of Complaint, against *Spain* of late, both at that Court, and the Court of *France*, and verify'd in such a Manner, as to receive the Sanction of his most *Christian* Majesty to the Confirmation of it.

It may seem yet a greater Paradox, that, notwithstanding the reiterated Complaints that have been made both to the respective *Spanish* Governors by the several Parties injur'd, and by Mr. *Stanhope* to the Court of *Madrid*, no Colour of Satisfaction, or Reparation, has ever been made (excepting in one only Case, as shall be hereafter related) for all, or any of those numerous Depredations and Hostilities of the *Spaniards*, by which (as the *Enquiry* observes) *the whole Commerce of Jamaica has been well nigh destroy'd, and the Trade of that Island reduc'd to a miserable Condition.* But this Wonder ceases, when we come to know that the most notorious Breaches of Treaties committed by the *Spaniards*, have always been under the Sanction of Authority from their Governors; and consequently that the Court of *Madrid* must not only have been privy thereto, but cer-

certainly have authoriz'd the Conduct of their Governors, who surely durst not have commission'd their *Guarda-Costas*, in a Time of profound Peace in *Europe*, to act in a diametrical Opposition thereto in the *West-Indies*, without the secret Powers and Orders of their Superiors at *Madrid*. And what must determine us to judge thus of the uncandid Behaviour of the Court of *Madrid*, is the Disregard they have always shew'd to the repeated Complaints which have been made to them on this Subject.

BUT the most surprising Scene that Imagination itself could invent is now open'd, since the Publication of the *Letters and Memorials which have lately pass'd between the Courts of Great-Britain, France, and Spain*: For who would not be astonish'd to find the Ministers of *Spain* in their Letters overthrowing all our Complaints in this Matter as absolutely groundless and chimerical, not so much as acknowledging even *One* of the *numberless* Injuries and Violences sustain'd from their *Guarda-Costas* since the Peace of *Utrecht*; but on the contrary, endeavouring, with all the Air of Veracity, to persuade the World what notorious Contradictions to Truth our Ministers have all along been imposing upon it!

ALL

ALL the World has heard that Memorials have been presented to the Government concerning these Depredations of the *Spaniards* in the *West-Indies*, and transmitted to Mr. *Stanbope* at *Madrid*, who we find in his Representation to the King of *Spain* dated *Sept. 25. 1726*, particularly says, " That the notorious In-
 " fractions which the *Spanish Guarda-*
 " *Costas* have for a long Time made
 " with respect to the Commerce and Na-
 " vigation of his Majesty's Subjects in the
 " *West-Indies*, have been often complain'd
 " of without the least Appearance of Sa-
 " tisfaction or Reparation." And in his Letter to the *Marquess de Paz* dated *Nov. 25. 1726*, " complains that not-
 " withstanding the frequent Representa-
 " tions which he has made, the Court
 " of *Spain* has not thought fit to put an
 " End to the Depredations and open Ho-
 " stilities which have been for some Time
 " almost daily committed in those Parts
 " by the *Spaniards*, or to give the King
 " the least Satisfaction for the Damages
 " done to his Subjects in Violation of
 " all Treaties; Damages so many, and
 " so great, that this Treatment from
 " his *Catholick* Majesty would have suf-
 " ficiently justify'd the King's taking
 " the

“ the most vigorous Measures for Re-
 “ drefs.”

IT is also as universally known, that the King of *France* has lately confirm'd the Truth of these Memorials and Complaints, in the *Answer* made by that Court to the *Complaints of Spain*, concerning the *Behaviour of Great Britain*, in the following Words, “ His most *Chri-*
 “ *stian* Majesty having inform'd himself
 “ about that Affair, found (and Mr. *Wal-*
 “ *pole* made it appear very plain to him)
 “ that the *Catholick* King has been the
 “ first who has offended against the Trea-
 “ ties which have long subsisted betwixt
 “ *England* and *Spain*, by the Confiscati-
 “ on of a great Number of *English* Ships,
 “ and by *numberless* Reasons of Com-
 “ plaints which are given to *England* for
 “ several Years last past, of which a
 “ *Memorandum* was sent to Mr. *Stanhope*,
 “ in Order to shew them to the Mini-
 “ sters of his *Catholick* Majesty: And
 “ that the King of *Spain*, instead of giv-
 “ ing Satisfaction to *England* concerning
 “ these Grievances, has on the contrary
 “ increas'd them.”

NEVERTHELESS, the Ministers of
Spain have not been asham'd to contra-
 dict

dict all this, in such a Manner, as must startle the Belief of those who have no more than a general Knowledge of the Affair, and make them almost ready to give up a Truth which but just now it would have argu'd the wildest *Scepticism* to doubt of. " The King of *Spain* (says " the Marquess *de Paz* in his Letter to " Mr. *Stanhope* dated *August* 19. 1726.) " has not interrupted, nor molested hitherto the Commerce which the Subjects of *England* carry on lawfully in all his Majesty's Dominions, and taken Care only to put a Stop to unlawful Commerce in the *West-Indies*, which is prohibited to all Nations by the Laws of these, and those Kingdoms, and no less by Virtue of what is stipulated and articulated in the very Treaties of Peace and Commerce with *England*." And in another Letter to Mr. *Stanhope* dated *Sept.* 30. 1726, " The Complaint which has for its Subject the Conduct of the *Guarda-Costas*, and which traduces their Operations as Interferences of Commerce, and of the Treaties, is in all Respects (says he) the most unjust that could be form'd, because those Ships have not done any Thing but in Discharge of their Duty, by hindering as much as possible,

only

“ only the unlawful and clandestine Com-
 “ merce of all Nations in the *West-Indies*,
 “ from which they are so solemnly pro-
 “ hibited by Virtue of repeated Trea-
 “ ties.”

I CONFESS, when I first read this last Letter in the *Evening-Post* of 24 Dec. I was ready to suspect it not to be genuine, till the Marquess de Pozobueno's Letter to the Duke of Newcastle appear'd in the same Strain, and both were publish'd by Authority. “ The King my Master
 “ (says de Pozobueno) was more justly surpriz'd that such glaring Hostilities
 “ (meaning the Operations of Admiral Ho-
 “ fier in the *West-Indies*) should be pre-
 “ tended to be justify'd by the Pretext
 “ that Justice has not been done upon
 “ the repeated Complaints of Mr. Stan-
 “ hope, with Respect to so many *English*
 “ Ships, which 'tis exaggerated have been
 “ taken, and pillaged by the *Guarda-*
 “ *Costas* of his Majesty in the *Indies*, it
 “ being evident, that no *Specifick Case* of
 “ any such Prizes has yet been seen. What
 “ is certain (he adds) is, that *English*
 “ Ships, and others of other Nations,
 “ which have been attack'd, and taken
 “ in those Seas, were contraband and
 “ good Prize, because of the unlawful

“ Commerce they exercis'd, or endeavour'd to exercise in the *Indies*. The
 “ very Places only where they were met,
 “ and taken (continues he) is a sufficient
 “ Proof of a Navigation forbid by the
 “ Tenour of Treaties.”

Now, if there were not a Cloud of Witnesses against all these positive Affirmations, express'd in a Manner so solemn by the Ministers of *Spain*, considering the Dignity of their Characters, I could hardly blame any one for suspending his Judgment in an Affair, where the Ministers of the respective Princes have so absolutely contradicted one another. But we shall soon see with what Colour of Truth the Ministers of *Spain* have asserted, *That his Britannick Majesty complains of Infractions on their King's Part, without being able to prove the least Hostility, Disregard, or Action that is not conformable to the best Correspondence.*

IN the first Place therefore, let us examine what is meant by no *Specific Case* of any Prizes having yet been seen, as the Marquess *de Pozobueno* expresses it. It must either be understood, first, that no List of Ships seiz'd by their *Guarda-Costas*, was ever laid before the Court of
Spain

(II)

Spain by Mr. *Stanhope*; but I think we have no Reason to believe this, since it is certain that Memorials were transmitted to Mr. *Stanhope* for that Purpose; nor is it deny'd by the *Spanish* Ministers, that these Infractions made by their *Guarda-Costas* have been often complain'd of by him; so that to doubt of this, we may as well doubt whether there is such a City as *Madrid*: Or in the second Place, he must mean, that no Complaints of Appeal were ever lodg'd at *Madrid* by the Parties injur'd; but to prove that this also is not true, I need only name one Case, which to my particular Knowledge has depended there ever since the Year 1714, without any Determination, after having gone through the tedious and expensive Course of the Courts in the *Indies*, viz. the *Hunter of New-York*, *Richard Jones* Master, which was bound for *Jamaica*, and seiz'd and carry'd by the *Spaniards* to *Cracus*, where the Ship and Cargo were condemn'd: Or lastly, by a *Specifick* Case must be meant a *just* Case, (that is, what the Court of *Spain* will admit to be such;) and here likewise to prove that the *Spanish* Ambassador is mistaken, I shall insert one Case of an Appeal, which I have by me, attested under the Hand of a Gentleman who

was Supercargo of the Ship concern'd, and which for some extraordinary Circumstances deserves more than a bare general Mention. The Case was thus: The *Blackwood* Galley of *London*, *John Hamilton* Commander, being in the Year 1723, bound from *Cork* and *Madeira*, with Provision to *Curasoe* and *Jamaica*, on the 17th of *May* was taken on the High Seas seventy Leagues to Windward of *Curasoe*, by two *Spanish* Sloops belonging to *Cumana* in *Andaluzia*, commanded by *Don Joseph Lopez*, and carry'd thither, where on the 20th of *July* thereafter she was condemn'd by the Governor of that Province *Don Juan de la Tormera Sola*. Upon which an Appeal was made by Captain *Hamilton* to the Council of the *Indies* at *Madrid*; which so irritated the Governor, that he kept him, his Crew and Passengers in close Confinement until *October*, and then shipped them as Prisoners aboard the *Windward Armada* bound to *Vera Cruz*, to hinder them as much as possible from getting Home to prosecute the Appeal. However, in *May* 1724, Captain *Hamilton* arriv'd at *London*, and gave a Right to his Appeal to the *Royal-Exchange Assurance-Company*, who prosecuted it at *Madrid* under the Management of our Con-

Consul Mr. *Kane* and Mr. *Stratford*, and after ten or twelve Months Dependence obtain'd with great Charge a Cedula for recovering of the Governor 14000 Pieces of Eight only, as the Value of Ship and Cargo, though they were sold for near four Times the Value at *Cumana*; and this Cedula for 14000 Pieces of Eight may be now purchas'd for less than 400*l*. so difficult it will be to recover the same.

HERE certainly is a glaring Instance of a *Specifick* Case, of as unjust a Seizure and Depredation as ever was made, and that on the High Seas, without any the least Pretence of unlawful Commerce; and yet the Marquess *de Paz* can tell Mr. *Stanhope* with an Air of high Resentment, that *his Complaint of the Conduct of their Guarda-Costas is in all Respects the most unjust that could be form'd*; and the Marquess *de Pozobueno* can with the same Positiveness second the other, saying *it is evident, that no Specifick Case of any such Prizes has yet been seen*. Surely neither of these Gentlemen could be personally ignorant of such Appeals and Complaints being laid before the Council of the *Indies* at *Madrid*, because they themselves are *ex officio* Members and Judges of the said Council, which is com-

compos'd of the King as President, and of all the Publick Officers of State : But as *Publick Ministers*, they are oblig'd in some Cases it seems to contradict their private Consciences, and to tell us that our Complaints of their *Guarda-Costas* are only *labour'd Pretexts and groundless Suspitions*.

WE ought to observe by Way of Wonder, that the above is one Instance, and the only one that I ever heard of Justice done by the *Spaniards* in such Appeals ; for in the *West-Indies* no Manner of Satisfaction was ever made, or could be procured from their Governors for any Seizure whatsoever made by their *Guarda-Costas* : Nay, the Owners can hardly obtain Council to plead for them, for fear of the Governors Resentment, a remarkable Instance of which we have in the Case of the *Blackwood* above mention'd ; for *Don Francisco Olivier*, for drawing up the Appeal, incurr'd the Governor's Displeasure to so high a Degree, that he sent a Guard of Soldiers to apprehend him ; but he made his Escape into a Convent, and from thence got privately on board the Vessel where the Captain was shipt for *Vera Cruz*, with whom he afterwards arriv'd at *London*,
and

and manag'd the Appeal at *Madrid*.

BUT above all, can any Thing be more contrary to the Treaties subsisting between the two Crowns, than to imprison the *British* Subjects for so many Months, as in the Case above, only for entering an Appeal against an unjust Judgment, and sending them away to the remotest Parts of the *West-Indies*, the Design of which was plainly to detain the Plunder, by hindering the Prosecution of the Appeal? For in case of the Death of the Captain no Appeal could have been made, and the Governor had a good Chance for that, from the hard Usage they met with, especially by being confin'd on Shipboard so long in that Country. From whence let any one judge what insuperable Difficulties and Dangers must attend an Appeal to *Madrid*, and that after going through the Process of the Courts of the *West-Indies*; so that many have chose to sit down with their first Loss, rather than run the Risque of the Governor's fatal Displeasure by appealing, and of being ruin'd a second Time by the Expence of Time and Money in prosecuting such Appeal at *Madrid*.

AND

AND it has been to no Purpose that the Governors of *Jamaica* have complain'd, from Time to Time, by Letters to the *Spanish* Governors, of these unjust Depredations of their *Guarda-Costas*; who, far from ordering any Satisfaction to be made, have always given such insulting Answers to every Governor that has been in *Jamaica* since the Peace in 1712, as if his Majesty had been in no Condition to resent such Injuries: An Instance or two of which will at the same Time shew the Injustice of the Seizures complain'd of.

Soon after the Peace, viz. on the 9th of *January* 1713, the Sloop *Charles*, *Anthony Smith* Master, laden with Commodities of the Produce of *Jamaica*, taken in at a Place called *Blewfields* in the said Island, in order to transport them to *Port Royal*, was met by a Sloop commission'd out of *Trinidado*, commanded by *Monfieur Norat*, who took and made Prize of the Sloop and Cargo worth above 4000*l*. Upon which Lord *Archibald Hamilton*, Governor of *Jamaica*, at the Instance of the Owner, wrote a Letter to the Governor of *Trinidado*, demanding Restitution; but all the Restitution

stitution he order'd was the following
haughty ill-bred Answer, viz. *That the
Governor of Jamaica was not a Gentle-
man; That there was not a Gentleman
in Jamaica; and that the Owner might
take his Demand and wipe his Arse with
it.*

HERE I would ask *M. de Pozobuena*,
whether the Navigation of this Sloop
from one Part of the Island to another
was forbid by the Tenour of Treaties; or
much rather, was not the *Guarda-Costa*,
which took it, out of his Navigation,
according to his own Supposition? For,
in truth the Treaties do not prohibit
sailing on the open Seas, but only Trad-
ing in one another's Settlements.

THE same Lord *Archibald Hamilton*
received no better Answer on many more
Complaints of the like Nature; and one
other I shall particularly name. The
Sloop *Thomas and Elizabeth* being bound
to the *Musquitos* to trade with the *In-
dians*, was, in her Return in October
1714, taken by a *Spanish* Brigantine be-
longing to *Trinidado*, and after Quarter
given, *Brian Wells*, the Mate of the
Sloop, was killed in cold Blood. The
Sloop was carry'd into Port and con-
demned.

demned. On which Occasion Lord *Archibald Hamilton* wrote a Letter to the *Alcaldes of Trinidad*, demanding Restitution of the said Sloop and Cargo, and of three others also, unjustly taken by them. But after consulting together, they returned for Answer (only by Word of Mouth) *that the Privateer* (alias *Guarda-Costa*) *who had brought the Sloop in, had sold her, received the Money, and was gone about his Business; so that they had nothing to make him Satisfaction. And that if the Owner had a Mind to have the Sloop again, he must buy her of the Man who bought her.* Now it was not so much as pretended, that any of these four Sloops were out of their Navigation or Contraband, but only that they were not able forsooth to make Satisfaction or Reparation for them.

BUT must it not here raise our Indignation and Resentment, to reflect on the cruel and barbarous Temper of the *Spaniards*, as well as their Depredations and Hostilities in a Time of Peace, to murder in cold Blood, after Quarter given, of which there are many more Instances; and I think they ought not to be pass'd over without mentioning one or two of them.

IN the Year 1722, Capt. *Candler* in the *Launceston* Man of War being on the Cruize to protect the Inward-bound Trade from the Insults of the *Spanish Guarda-Costas*, saw a Sail which he suspected to be one of them; as he was acquainted with their Practices, he bore away as if he intended to avoid her. His Design succeeded; for the other imagining him to be a Merchant-Man pursued, and on coming up laid him aboard, but was soon made sensible of the Mistake. In searching his Papers, Capt. *Candler*, met with several that related to a Vessel fitted out from *Port-Royal*, and bound to *Curasso* (a *Dutch* Island) which had been missing some Months. And soon after their Arrival at *Jamaica* with the *Guarda-Costa*, the Masters of two Ships belonging to *Boston* in *New-England*, who had been taken by them, gave in their Information to the Governor on Oath, on which Thirty Nine of them were try'd, convicted, and executed; and some of them after Sentence was pass'd, confess'd that they had taken the Vessel before-mention'd, and that they murdered all the Men belonging to her.

AND in the Year 1715, the *Port-Royal*, *John Stephens* Commander, being seized by a *Spanish* Ship called the *Marquedore*, a Volley of small Arms was fired at her, after she had struck, whereby the Captain was mortally wounded, and died the next Day. After which the Captain of the *Guarda-Costa* having order'd the Crew aboard his Ship, he tortur'd one of them by clapping the Jaws of the Cock of a Firelock upon his Tongue, to make him confess that the said Sloop was bound to *Rio de la Hacha*, and threatn'd to use the rest of them after the same Manner, if they did not sign a written Paper to that Effect; which they did to avoid the Torture. And about two Months after they were brought into *Cartagena* as Prisoners; where they continu'd about four Months; and the Sloop and Cargo were condemn'd.

THERE have been several other Vessels missing from *Jamaica*, which we may reasonably conclude met the same Fate from the *Guarda-Costas*, with those of which we have any Information; particularly a *Brigantine* belonging to *Lewis Galdy*, which was never heard of after she went out of the Port. But Accounts were

were receiv'd from the *Spanish* Settlements, that the *Spaniards* were heard to tell one another of the said Vessel being taken and plunder'd by them, and that after putting the whole Crew to cruel Tortures, they murder'd every Man of them.

SIR *Nicholas Laws* also made many Complaints to the *Spanish* Governors. Particularly upon a Memorial of the Merchants of *Kingston* and *Port-Royal*, to the Governor in Council 1716, setting forth the many and great Losses they and others had sustain'd by the Subjects of the King of *Spain*, since the Cessation of Arms; and that many of his Majesty's Subjects were kill'd and wounded in Defence of their Vessels and Goods; and some in cold Blood; with Affidavits proving the same; his Majesty's Ship the *Adventure*, Captain *Thomas Reynolds*, was sent by the Governor to *St. Jago* and *Trinidad*, to represent the Injustice of those Proceedings: Which the Governors acknowledg'd, by alledging they were committed by Persons who exceeded their Commissions, and who should be treated as Pirates whenever they were met with. Thus it appears that these were the Proceedings of *Guarda-Costas* who had Commissions;

missions; and that they did not exceed the Power the Governors gave them, did afterwards more fully appear, by their being again fitted out in the same Manner, and committing the like Hostilities as before.

AND in the Year 1722, Sir *Nicholas* wrote a Letter to the Governor of the *Havana*, concerning the taking of the Ship *Unity*, belonging to the *African* Company, and other Depredations of the *Spaniards* during his Government; which I shall insert *verbatim*, with an Affidavit annex'd thereunto, in order to set the whole in as manifest a View as possible, and to shew what Regard ought to be had to the fine Speeches of the *Spanish* Ministers, in Contradiction to the repeated Memorials and Complaints made by ours; to the many Evidences of the particular Facts on which these Complaints are founded, by Oaths and Depositions taken before the Governor of *Jamaica* and others; and to the Sanction of his most *Christian* Majesty to the Whole; who, (as the Count *de Morville* says in his Letter to the Pope's *Nuncio* of the 11th of Nov. 1726.) " was extremely " struck with all the Proofs, by which " his *Britannick* Majesty makes out that " the

the Court of *Spain* were the first, who
 by previous Proceedings made a Breach
 in the Peace of *Europe*."

*Letter from Sir Nicholas Laws to
 the Governor of the Havana.*

"THIS Letter will be delivered to
 your Excellency by Mess. Ni-
 cholson and Calder, who are impowered
 by the Agents for the *Royal-African*
 Company of *England*, to make Appli-
 cation to your Excellency, for Restitu-
 tion of the Ship *Unity*, with 257 Ne-
 groes, belonging to the said Company.

"YOUR Excellency will be pleas'd
 to observe, by the authentick Proofs
 and Certificates, which are herewith
 transmitted, that the said Ship and Ne-
 groes were most unjustly taken off of
Tiberoon, on the Coast of *Hispaniola*, on
 the 28th of *July* last, by a *Spanish*
 Sloop; which I am informed carried the
 said Ship and *Negroes* into *Trinidado*,
 under your Excellency's Jurisdiction;
 and that the *Alcaldes* of that Place have
 condemned them on Suggestion of the
 Captors, that they found her trading on
 that Coast: The contrary of which
 will

“ will evidently appear by the enclos’d
 “ Depositions, as well as from the Na-
 “ ture of the Thing it self; therefore I
 “ cannot doubt your Excellency’s order-
 “ ing full and ample Satisfaction, &c.

“ IN a former Letter I represented to
 “ your Excellency, as well as to the rest
 “ of my neighbouring *Spanish* Governors,
 “ but more particularly to the Governor
 “ of *St. Jago*, and the *Alcaldes* of *Tri-*
 “ *nidado*, the many Acts of Piracies and
 “ Robberies committed on the Subjects
 “ of the King my Master, by Vessels
 “ fitted out of *Trinidado*, and other
 “ Ports, with Commissions, as they pre-
 “ tend, to guard their Coast from unlaw-
 “ ful Traders: But in reality, under
 “ Colour of such Commissions, commit
 “ frequent Depredations, and are guilty
 “ of the most enormous Crimes, with-
 “ out (so far as I can understand) their
 “ ever being punished for them. On
 “ the contrary, they are not only ad-
 “ mitted with their Prizes, as they call
 “ them, into the Port of *Trinidado*, in
 “ particular, where they are immediately
 “ condemned, the *Negroes* and Goods
 “ shared and divided, but the Captors
 “ are also encouraged in their Villany by
 “ those in Authority, who permit them

“ to refit their Veffels, fhare in their
 “ Plunder, and fend them out again in
 “ fearch of more Booty.

“ It must be no lefs furprising to his
 “ Catholick Majesty, than it will be to
 “ the King my Master, when they re-
 “ ceive an Account of fuch unwarranta-
 “ ble Proceedings in Time of profound
 “ Peace; which must appear a manifelt
 “ Breach of that good Agreement ftip-
 “ ulated between the two Crowns, and
 “ which in our refpective Capacities ought
 “ to be cultivated and improved to the
 “ utmoft of our Power. As for my Part,
 “ I can with great Confidence affure
 “ your Excellency, it has been my con-
 “ ftant Endeavour, that ftrict Juftice
 “ fhould be done to fuch of the *Spa-*
 “ *nish* Nation who have had Demands
 “ here fince the Ceffation of Arms;
 “ and feveral of them have already had
 “ ample Reftitution: But I am forry that
 “ I have it to fay, my Master’s Subjects
 “ have not met with reciprocal Juftice
 “ from the *Spanifh* Governors.

I am with great Truth and Sincerity,

Your Excellency’s moft Obedient,

And moft Humble Servant,

Jamaica, Oct. 24.

1722.

NICH. LAWS.

E

The

The Deposition of Thomas Simons, and others, late belonging to the Unity, Francis Plaisted Commander.

THESE Deponents do severally depose and say, That on the 28th of *July* last, about eight Leagues distance from Cape *Tiberoon*, they observed a Sloop steering in their Wake, with a black Pendant on their Mast-head, and a Bloody-Jack on the Bowsprit-end, which they did believe to be a Pirate; upon which the Captain ordered a Gun to be fired at them, which they returned; and after viewing them some Time, and perceiving them to be a Ship from *Africa*, with *Negroes*, they came under their Stern, and fired a Volley of small Arms, and then clapt them on board, took Possession of the Vessel, barbarously using their People, and destroying whatever came in their Way; and that during the whole Action, they hoisted no other Colours, than the black Pendant, and Bloody-Jack.

THESE Deponents further say, that the Day after they were ordered to hoist out the said Ship *Unity's* Boat, and all the Crew

Crew to go into her; and were informed, the Commander had given Orders for a Shot to be fired into her, with Intent to sink the said Long-boat, and destroy the Company in her. But at the Intercession of two *English* Men aboard, they were taken into the said Sloop again; where they continued till three the next Morning, when, by the Assistance of the said *English* Men, they went into the Boat, with two Pieces of Beef and some Water, and arrived at this Island the 1st of *August* last.

THESE Deponents further say, that from their Departure from *Barbadoes*, they did not touch at any Port, but were steering directly to this Island; and that at the Time of the Capture, there were on board 257 Slaves, belonging to the *Royal-African* Company; and that during their Passage, they did not speak with any Vessel, or any other Craft, so that they could not have any Trade.

Sworn before John Lewis.

HIS Grace the Duke of *Portland*, who succeeded Sir *Nicholas Laws*, had even less Regard shown to him if possible than was shown to his Predecessors by the *Spanish* Governors, upon the many Com-

plaints of this Kind which he had Occasion to make; of which one Instance may suffice, in the Case of the *Cassandra*, belonging to the *East-India* Company, which was taken by the Pirates in the *East-Indies*, and carry'd by them to *Carthagena* in the *West-Indies*. His Grace the Duke of *Portland* sent a Man of War to demand her; but the Governor of *Carthagena* not only pardon'd the Pirates, who made a Present to him of Ship and Cargo, though they had no more Right so to do than he had to accept of it, but the Success being so good to himself, he gave them Leave to fit out again in Hopes no doubt of such another lucky Expedition.

THESE several Instances already given of *Specifick Cases* of Prizes (as *de Pozobueno* expresses it) are all of them a Confutation of the *second* Head of the Reply of the *Spanish* Ministers to Mr. *Stanhope's* Complaints, as well as of the *first*. For whereas they are pleas'd to affirm that "*English* Ships which have been attack'd and taken in the *West-Indies*, were contraband and good Prizes;" this is absolutely false in every one of the Cases abovemention'd; and I could name a great many more. Was the *Blackwood*, which

which was bound with Provisions to *Curasoe*, a *Dutch* Settlement, and taken 70 Leagues from it on the High Seas, a contraband and lawful Prize? Was the Sloop *Charles*, which was laden with Sugar, Rum, and other produce of *Jamaica*, and bound from one Port of the Island to another, a contraband Prize? Was the *Thomas* and *Elizabeth* which traded to the *Musquitos*, a Nation independent on the *Spaniards*, and dependent on *Jamaica*, a lawful or contraband Prize? Was the *Unity* belonging to the *African* Company, bound from *Guinea* to *Jamaica* with *Negroes*, a contraband Prize? If the *Spanish* Ministers will have these to be lawful Prizes, then we know their Meaning, and all the Ships they can seize in the *West-Indies* must be so too: But sure I am they are contrary to Treaties. And this leads me to the last Head of their Answer.

“THE very Places only where they were met with and taken (says *de Pozobueno*) is a sufficient Proof of a Navigation forbid by the Tenor of Treaties.” A good *Spanish* Proof, I confess! According to which the *Spaniards* may lawfully (if they can) seize upon the whole Trade and Navigation of *Jamaica*.

maica. By the *Places* where the British Ships have been met with and taken (if the *Spanish* Ministers have any Meaning at all in these extravagant Harangues, so contrary to Truth, Reason and good Sense) they must mean any Place upon the Seas, or the Ocean, wherever they could master and take them, according to the Examples above. But methinks this is a Right claim'd by them with a very ill Grace, against a Nation so much superiour to them and all other Nations in the World at Sea, and who might, if that were a good Reason, with much more Justice claim the Empire of it. Or perhaps they may with a little more Modesty understand Places within Sight of the *Spanish* Coasts in the *West-Indies*. But perhaps his Excellency *de Pozobueno* did not consider when he express'd himself thus, that no Ships can sail to or from *Jamaica*, without coming within Sight of *Cuba*, or *Hispaniola*, or *Porto Rico*, or perhaps all of them in a Day's Time.

BUT to demonstrate the Hostilities and Depredations of their *Guarda-Costas*, beyond all Possibility of a Contradiction, or Shadow of Excuse, from the Places where they committed them; I could
name

name a great many Instances of their landing on the very Island of *Jamaica*, and plundering it of whatever came in their Way, and carrying off their *Negroes* and Plate, but shall particularize only a few, viz. From Major *Cook* 30 *Negroes*, Colonel *James Heywood* 14, *John Buckner* 48, *Thomas Orgil* 14, Dr. *Sinclair* 26, Captain *Saunders* 25, *Beckford* and *Fletcher* 25, *Samuel Pool* 100, *Charles Bynders* 34, *Beckford* and *Pym* 5; and from Dr. *Sinclair* fifty Pounds worth of Plate. Now will the *Spanish* Ministers say, that these *Negroes* taken from off the Island were contraband, or were they prohibited by any Treaties to work upon their Masters Plantations, or to sleep in their Huts where they were catch'd Napping by the *Spanish Guarda-Costas*?

BUT it would swell to a Volume to enlarge upon all the Particulars of their Hostilities, and Depredations, both at Sea, and on the Island of *Jamaica*; and I have demonstrated the Matter so clearly, and fully, in the foregoing Pages, that I fancy the Sincerity of the *Spanish* Court, in these Letters and Memorials, relating to the Infractions of the Treaties in the *West-Indies*, will scarce meet with any Credit from their greatest Friends, and
it

it might be expected would silence the *Spaniards* themselves. And I shrewdly suspect, that when the subsequent Operations of the *Spaniards* shall bring their secret Treaties to Light, there will be found to be just as much Truth in the rest of the Passages of their Memorials, as we have already discover'd in those we have consider'd. And that what M. de Pozobueno says of Mr. Stanhope, will be found to retort upon himself and his fellow Minister, that *their Words have not the least Shadow of Relation with the Facts.*

THERE was a Piece publish'd about a Year ago, call'd *The State of the Island of Jamaica*, written by a Gentleman who resided there several Years, which deserves to be perus'd on this Occasion; from which I have borrow'd some particular Facts, and a few excellent Hints. And I am perswaded the Author will not be displeas'd at the Liberty I have taken, since it was with the same View he himself had when he wrote it. This Gentleman has this remarkable Expression, "That 'tis notorious the *Spaniards* never met with an *English* Vessel, and could overcome, which they did not take, destroy or plunder." And I can vouch
for

for him, that this is receiv'd as an universal Maxim in *Jamaica*. He has given a long List of *British* Ships taken by the *Spaniards* from 1712 to 1725, to the Number of 47; which nevertheless he acknowledges to be far short of the real Number; the Amount of which, with their Cargoes and of the Negroes taken off the Island, he computes to be 156165/. To which I may add, taken in the Bay of *Campeachy* above as many Ships, which will raise the amount of the whole to near 300,000l.

I SHOULD have observed before this, that every single Instance mention'd above of the *Spanish* Seizures and Depredations, is supported by the Evidence of Depositions upon Oath before the respective Governors of *Jamaica* and others, and most of them well known to many Merchants in *London*. And whoever peruses the Piece already referr'd to, will find in it many more Depositions; and the Author has also several others by him, which perhaps will soon see the Light. And now if the *Spaniards* have done so much to the People and Traders of *Jamaica*, to use the Words of *Abasuerus* to *Esther*, *What have they done in the rest of the King's Provinces?*

F

AND

AND what Restitution has the King of *Spain* made for all this Injustice and Violence of his Subjects in the *West-Indies*, so contrary and repugnant to the Treaties of Peace and Commerce? What Satisfaction has he given his *Britannick* Majesty for the Lives of his Subjects so basely murder'd in cold Blood, and for the Insults and Affronts offer'd thereby to his Crown and Dignity? What Reparation to the *African* Company for 257 *Negroes* plunder'd from them in the open Seas? What to the *East-India* Company for the *Cassandra* and her Cargo belonging to them? What to the Merchants and Planters in *Jamaica*, who have all suffered more or less by these Hostilities and Depredations? What Reparation or Satisfaction has been made to the City of *Bristol* for the Losses they have sustain'd by these *piratical Depredations*, which they complain of in their late Address to his Majesty, to have *severely felt*? And what to the several *Assurance-Offices*, who have suffer'd most of all thereby? What, I say, but injurious and affrontive Answers and Replies from the Ministers of his *Catholick* Majesty to the repeated just Complaints that have been made to that Court, not only absolutely contradicting
the

the Truth of all these Hostilities and Depredations committed by their *Guarda-Costas* in the *West-Indies*; Hostilities so well known to themselves, and so manifestly prov'd to the World, that no *Theorem* in the *Mathematicks* was ever more fully demonstrated; but also most confidently taxing his Majesty and his Ministers with open Disingenuity in forming Complaints of this Nature, and calling them only false Pretexts to justify the Operations of his Majesty's Fleets; though they are indeed very just Grounds for taking much more vigorous Measures for Redress, than his Majesty has been hitherto inclin'd to take, unwilling if it could be avoided, to come to an open Rupture, or to have that Harmony destroy'd, which his Majesty has ever been desirous on his Part to cultivate and preserve with the King of *Spain*.

BUT if neither the frequent Remonstrances made by Mr. *Stanhope* to the *Catholic* King and his Ministers, nor the Terror of his Majesty's Fleets, which have it in their Power, when they please, to revenge these Injuries and Insults done to the *British* Crown and People, are of any Force or Influence to move that Court to make Redress and Satisfaction;

are we therefore to sit down contented with these private and National Losses and Affronts, as if it were not in our Power to redress them? Surely the *Spaniards* can never so vainly imagine, that the *British* Lustre will suffer such a Tarnish in the very Meridian of that Glory to which our Navy is now arriv'd! We are at all Times ready to chastise their Insolence, and only want the Sanction of Authority to shew we can do it. We have a King who makes *the Trade and Commerce of his Subjects his peculiar Care, which extends to all the American as well as Home Branches of Commerce*, and is one of the chief Reasons which have dispos'd his Majesty to fit out the several Fleets which have been put to Sea; a King who has been graciously pleas'd to tell the Court of *Madrid*, by the Mouth of his Ambassador, that *his Subjects would have had just Cause to complain, if Care had not been taken for the Safety of the Kingdom, and of their Rights and Properties*. As the Remedy therefore is in our Power, is it not highly fit and reasonable that we should now at last apply it? Or rather, is it not absolutely necessary we should have recourse to it without delay? The *Spanish Guardacostas* have ever since the Peace of *Utrecht* practis'd the most notorious Infractions of

of that Treaty, and of the Treaties of Commerce subsisting between the two Crowns, by taking, plundering, imprisoning, torturing, and murdering the Subjects of this Crown: And the *Spanish* Ministry have refus'd to make any Satisfaction, or Reparation, for these Infractions and Violences, or so much as to acknowledge that there is any the least Ground for Complaint, on this Account. What remains therefore, but to do our selves Justice by *Reprisals*? This is the natural and obvious Remedy in such extreme Cases; other Nations have us'd it, before Matters have come to such Extremity; as the *French* in the *West-Indies* now do, and have all along done. And the Author of the *State of Jamaica* propos'd it a Year ago, since, as he says, all other Methods had prov'd ineffectual.

THIS Method of *Reprisals* is agreeable to the Laws of Nations, to the Municipal Laws of *England*, and to the Treaties subsisting between *Great Britain* and *Spain*.

By the Common and Statute Law of *England*, Persons spoil'd, or otherwise damnify'd in a hostile Manner, in the Territories or Places belonging to that King,

to whom Letters of Request are issu'd forth; if no Satisfaction be return'd, may have *Letters of Reprisal*: And the Prince of that Country, against whom the same are awarded, must repair the Damage, out of his or their Estates, who committed the Injuries; which proving deficient, it must then, fall as a common Debt on his Country.

THE Regard that Parliaments have shewn for the redressing of Wrongs in this Way, appears very particularly in the Statutes of 4 *Hen. 5. c. 7.* and 14 *Edw. 4. c. 4.* the former of which recites,
 “ That at the grievous Complaints of
 “ the Commons of *England*, who had
 “ suffer'd many Wrongs and Injuries, in
 “ the Loss of their Ships and Goods,
 “ upon the Main-Sea, against Leagues,
 “ safe Conducts, and Truces, which
 “ were broken by the Subjects of other
 “ Nations, the Parliament being willing
 “ to provide Remedy and Relief for the
 “ grieved by Spoil and Injuries done unto
 “ them beyond the Seas, enacted, That
 “ upon Complaint to the Keeper of the
 “ Privy-Seal, on full Evidence shewn,
 “ he shall sign Letters of Request, to demand Restitution, and Reparation to
 “ the Parties grieved; which if not
 “ made

made in convenient Time, then the Lord Chancellor of *England* shall grant *Letters of Reprisal* in due Form of Law, for the Indemnity of the Persons interested and injur'd." And the latter cites, "That whereas divers great Offences were often committed against Leagues, Truces, and Amities, between the King and other Princes or States, against safe Conducts and Licences, and against the Laws and Statutes of the Realm in that Case made and provided, *to the great Slander of our Sovereign Lord the King, and the Damages of the good Subjects, the Commons of England*; it was therefore enacted, That all Statutes and Ordinances against the Offenders of Leagues, Truces, safe Conducts, and Amities, shall be in full Force, &c."

OUR Kings also have never slighted the Complaints of their Subjects on this Head, and the Author of the Treatise *de Jure Maritimo & Navali*, says, "That the Prince or State of the Person injur'd should not value his Misfortune at so low a rate, as to deny him Letters of Request; for that were to heap up Injury upon Injury: But likewise, if Justice be deny'd after such a Request,

“ quest, to arm him with Power to take
 “ Satisfaction by Reprise *Vi & Manu mili-*
 “ *tari.*” There is a very remarkable
 Instance of such *Letters of Reprisal* grant-
 ed by King *Charles II.* against the States
 General and their Subjects in 1663, on
 Account of two Ships and their Cargoes
 seiz’d by their *East-India Company* in
 1643, viz. the *Bona Esperanza*, and
Henry Bonadventure; the Preamble where-
 of takes Notice, “ That his Majesty out
 “ of a just Sense of the unjust Sufferings
 “ of the Owners, requir’d Satisfaction
 “ to be made them according to the
 “ Rules of Justice by Letters under his
 “ Majesty’s Sign Manual, and also by his
 “ Envoy Extraordinary; but that after
 “ several Addresses made to the States
 “ General by his said Envoy, nothing
 “ had been granted effectual for the Re-
 “ lief of his said Subjects, *whom his Majesty*
 “ *took himself in Honour and Justice con-*
 “ *cern’d to see satisfied and repaid*; so that
 “ his Majesty could not but apprehend it
 “ to be not only a fruitless Endeavour,
 “ but a *prostituting his Honour and Dig-*
 “ *nity to make farther Application after*
 “ *so many Denials and Slightings.*” And
 therefore his Majesty thought fit, by the
 Advice of his Privy-Council, to grant
 Licence and Authority under the Great
 Seal

Seal to the Persons therein named, Executors of the Owners, to *equip, victual, furnish, and to set to Sea from Time to Time, such and so many Ships and Pinaces as they should think fit.* And 'tis declar'd,

“ That the said Commission shall remain
 “ in full Force and Power to all Intents
 “ and Purposes, until the said Persons
 “ shall by Virtue thereof have by Force
 “ of Arms apprehended, taken, seiz'd,
 “ recovered, and received from the said
 “ States General, or their Subjects, One
 “ hundred fifty one thousand six hundred
 “ and twelve Pounds. And *farther*, that
 “ although it should happen that all
 “ Hostility between his Majesty and the
 “ States General should cease, yet the
 “ said Commission should remain and be
 “ in full Force and Power to the Persons
 “ aforesaid, by virtue whereof to apprehend, take and seize by Force and Arms
 “ so many more of the said Ships and
 “ Goods of the States General, or any of
 “ their said Subjects, as beside the said
 “ Sum beforementioned, shall counter-
 “vail, satisfy and pay all such Costs and
 “ Charges as the said Persons, their Executors, Administrators or Assigns shall
 “ from Time to Time make Proof to
 “ have disbursed and paid towards the
 “ equipping, manning, paying, furnishing

“ and victualling of the said Ships so li-
 “ cens’d and authoriz’d.”

THERE is another memorable Instance
 of Letters of Request from King *Charles*
 II. to the King of *Spain*, requiring Satis-
 faction for the Depredation committed
 on the Ship and Goods of Capt. *Timothy*
Stamp, who was also murder’d at the
Havana, Anno 1674. And his Majesty is-
 sued out a Proclamation on the 14th Day
 of *October* 1675, which recites, “ That
 “ the said *Stamp* who was taken by the
 “ *Spaniards* and brought into the *Hava-*
 “ *na* under Pretence of unlawful Trade,
 “ being detained there some Time, and
 “ afterwards set at Liberty with his Ship
 “ and Crew, was afterwards retaken with-
 “ in Musket-Shot of the Castle of *Ha-*
 “ *vana* by a Man of War fitted out at
 “ the *Havana*, commanded by *Don Phi-*
 “ *lip Helen*, who tortured and murdered
 “ the said *Stamp* and most of his Men;
 “ that some they hang’d till they were
 “ half dead, and then cut them with
 “ their Swords; afterwards hang’d them
 “ up again until they were almost dead,
 “ and then cut them in Pieces with an
 “ Ax; that others had their Arms cut
 “ off, and were cleft down with Axes;
 “ and that afterwards the said *Don Phi-*
 “ *lip*

lip and Company shared the Ship and Goods; his Majesty therefore promises a Reward of 1000 Pieces of Eight to any Person or Persons who shall apprehend the said *Don Philip Helen*, and deliver him up to any of his Majesty's Governors in *America*."

Reprisals also are consistent with the Treaties now subsisting between *Great Britain* and *Spain*, as appears by Article XIV. of the Treaty in 1670, where in case of Justice being deny'd or delay'd, *Reprisals are expressly authoriz'd according to the Law of Nations*; agreeable to which *Lucan* says, *Omnia dat qui justa negat*. If therefore the Subjects of one Prince or State cannot obtain Justice of another Prince or State, for Injuries committed by his Subjects, or if Judgment be given against apparent Right, and no Relief can be had, *by the Consent of Nations, the Bodies or Moveables of the Subjects of that Prince, who renders not Right, may be taken*. This is the Law of Nations, and this is what is warranted by the Treaty of 1670.

BUT I have not room to enlarge upon this Subject of *Reprisals*. What is already said is sufficient to evince, that it is a natural, obvious, just and necessary
Re-

Remedy against the past and future Hostilities and Depredations of the *Spaniards* *Guarda-Costas* in the *West-Indies*; and is humbly submitted to the Wisdom of the Government. I shall only beg leave to conclude with respect to the Government in *America* (and of *Jamaica* in particular) that if they have not a Power given them of granting *Reprisals* for the future, they will neither have Ease with the People under their Government at Home, nor Reputation Abroad.

F I N I S.



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